

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

MAY 9 11 13 AM '01

CHIEF CLERK'S OFFICE

Respondent.

Docket No. 01-0175

The PEOPLE OF COOK COUNTY (hereinafter “People”) by Richard A. Devine, State’s Attorney of Cook County, Illinois, complain of NORTHERN ILLINOIS GAS COMPANY d/b/a NICOR (hereinafter “Nicor”), pursuant, but not limited to Sections 10-108, 8-101, 8-201, 8-401, 8-501, 9-241, 9-250, 9-252 of the Illinois Public Utilities Act (“Act”), 220 ILCS 5/10-108, 5/8-101, 5/8-201, 5/8-401, 5/8-501, 5/9-241, 5/9-250 and 5/9-252 and Sections 280.120 of the rules of the Illinois Commerce Commission (“Commission”) governing procedures for gas utilities, 83 Ill. Admn. Code §280.120, and Section 200.170 of the Commission’s Rules of Practice, 83 Ill. Adm. Code §200.170 (“Code”) the following:

I.

STATEMENT OF THE CASE

1. The People of Cook County allege that Nicor, a public utility as defined by the Illinois Public Utilities Act, has failed to comply with its statutory obligations as defined under the Act. Specifically, the People of Cook County allege that Nicor's Budget Payment Plan as filed with the Commission on February 1, 2001 and approved by the Commission on February 15th is unjust, unreasonable, discriminatory or preferential, provides for payment of excessive charges, is not least-cost service and fails to meet the requirements of Illinois law, as more fully set forth herein. The People seek, by this action, that this Commission enter an order declaring that Nicor has violated its statutory duties as more fully set forth herein; granting the People due reparation with interest for such unjust and discriminatory charges as more fully set forth herein; determining the just, reasonable charges, rules and regulations to be hereinafter observed and in force by Nicor and fixing the same by the order; and granting such other relief as may be required.

II.

PARTIES

2. Nicor is a corporation organized under the laws of the State of Illinois, and is a public utility as defined in Section 3-105(a) and (c) of the Act, 220 ILCS 5/3-105(a), (c) (1997).

3. The People of Cook County are utility consumers within the State of Illinois, and have a significant interest in insuring that such services and charges to Illinois consumers are fair, just,

reasonable, least cost, nondiscriminatory and nonpreferential. The People of Cook County is a body politic within the meaning of Section 10-108 of the Public Utilities Act, 220 ILCS 5/10-108 (1999).

III.

AUTHORITY

4. Richard A. Devine, State's Attorney of Cook County, represents the interests of the People of Cook County. 55 ILCS 5/3-9005.

5. Nicor is a public utility within the meaning of Section 3-105(a) and (c) of the Act, 220 ILCS 5/3-105(a), (c), in that it operates, owns, controls, and manages within this State, direct or indirectly, for public use, plants, equipment, and property and owns or controls franchises, licenses, permits and rights to engage in the production, storage, sale, delivery or furnishing of heat and conveyance of gas by pipe line.

6. Section 10-108 of the Public Utilities Act, 220 ILCS 5/10-108, provides, in relevant part, as follows:

Complaint may be made to the Commission...by any person[,]...or any body politic...by petition or complaint in writing, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any provision of this Act[.]

Nicor is subject to various laws and regulations that require it, *inter alia*, to provide gas service to all persons on a non-discriminatory basis, and to provide such service in a least cost, just and reasonable manner.

IV.

APPLICABLE LAWS AND REGULATIONS

7. Section 8-101 of the Act, 220 ILCS 5/8-101 (1996), provides in relevant part, that:

...All rules and regulations made by a public utility affecting or pertaining to its charges or service to the public shall be just and reasonable. Every public utility shall, upon reasonable notice, furnish to all persons who may apply therefor and may be reasonably entitled thereto, suitable facilities and service, without discrimination and without delay.

8. Section 8-201 of the Act, 220 ILCS 5/8-201 (1996), provides in relevant part, that:

...It is also the policy of this State that public utilities and residential heating customers deal with each other in good faith and fair manner.

9. Section 8-401 of the Act, 220 ILCS 5/8-401 (1996), provides in relevant part, that:

Every public utility subject to this Act shall provide service and facilities which are in all respects adequate, efficient, reliable and environmentally safe and which, consistent with these obligations, constitute the least-cost means of meeting the utility's service obligations.

10. Section 8-501 of the Illinois Public Utilities Act, 220 ILCS 5/8-501 (1996), provides, in relevant part, that:

Whenever the Commission, after a hearing had upon its own motion, or upon complaint, shall find that the rules, regulations, practices, equipment, appliances, facilities, or service of any public utility, or the methods of manufacture, distribution, transmission, storage or supply employed by it, are unjust, unreasonable, unsafe, improper, inadequate, or insufficient, the Commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, services or methods to be observed, furnished, enforced, or employed and it shall fix the same by its order, decision, rule or regulation.

11. Section 9-241 of the Illinois Public Utilities Act, 220 ILCS 5/9-241 (1999) provides, in relevant part, that:

No public utility shall, as to rates or other charges, services, facilities or in other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or other charges, services facilities, or on any other respect, either as between localities or as between classes of service.

12. Section 9-250 of the Illinois Public Utilities Act, 220 ILCS 5/9-250 (1996) provides, in relevant part, that:

Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that the rates or other charges, or classifications, or any of them, demanded, observed, charged or collected by any public utility for any service or product or commodity, or in connection therewith, or that the rules, regulations, contracts, or practices or any of them, affecting such rates or other charges, or classifications, or any of them, are unjust, unreasonable, discriminatory or preferential, or in any way in violation of any provisions of law, or that such rates or other charges or classifications are insufficient, the Commission shall determine the just, reasonable or sufficient rates or other charges, classifications, rules, regulations, contracts or practices to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

The Commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate or other charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates or other charges, classifications, rules, regulations, contracts and practices, or any thereof of any public utility, and to establish new rates or other charges, classifications, rules, regulations, contracts and practices, or any thereof of any public utility, and to establish new rates or other charges, classifications, rules, regulations, contracts or practices or schedule or schedules, in lieu thereof.

13. Section 9-252 of the Illinois Public Utilities Act, 220 ILCS 5/9-252 (1996) provides in relevant part, that:

When complaint is made to the Commission concerning any rate or other charge of any public utility and the Commission finds, after a hearing, that the public utility has charged an excessive or unjustly discriminatory amount for its product, commodity or service, the Commission may order that the public utility make due reparation to the complainant therefore, with interest at the legal rate from the date of payment of such excessive or unjustly discriminatory amount.

14. Section 280.120 of the Illinois Administrative Code, 83 Ill. Adm. Code §280.120 provides, in relevant part, that:

When the character of an applicant's or customer's consumption of service causes or is likely to cause a substantial fluctuation among his/her bills over an annual period, the utility shall offer to the applicant or customer a budget payment plan which equalizes his/her payments into monthly installments. An applicant or customer's budget payment plan may be terminated by a utility if the applicant or customer fails to meet the payment requirement under the plan.

PRELIMINARY FACTS

15. On or about February 1, 2001, Nicor filed with the Commission its Proposed Budget Payment Plan for approval, ICC Docket No. 01-0116. (Attached herein as "Exhibit A")

16. On or about February 14, 2001, the People attempted to file a Request for a Hearing and Investigation of Nicor's proposed budget plan. (Attached herein as "Exhibit B")

17. On February 15, 2001, the Commission approved Nicor's Budget Plan without considering the request filed by the People.

18. On or about February 15, 2001, the Clerk of the Illinois Commerce Commission informed the People that since Nicor's budget plan had been approved, a separate filing was necessary to address the issues raised by the People concerning Nicor's budget plan.

19. On or about February 15, 2001, the People filed with the Commission a Petition for an Investigation of Nicor's Budget Plan. (Attached herein as "Exhibit C")

20. At the initial status hearing on April 20, 2001, Nicor objected to proceeding on the Petition without having the Commissioners approve an investigation. Based on this objection, Cook County requested and was granted leave to file a complaint.

21. By the provisions of the Nicor's budget payment and the statements of Nicor concerning its budget payment plan as complained of herein, Nicor has violated Sections 8-101, 8-201, 8-401, 8-501, 9-241, 9-250 and 9-252 of the Act and Section 280.120 of the Code, in that Nicor's rules and regulations of its budget plan are unjust, unreasonable, discriminatory, not least-cost, and provides for excessive and discriminatory charges.

COUNT I

VIOLATION OF SECTION 8-101 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count I, as though fully alleged herein.

22. Nicor is a public utility as defined in the Act and is subject to the provisions of the Act and the Illinois Administrative Code concerning public utilities.

23. Nicor has the legal obligation to provide just and reasonable natural gas services to the public.

24. Nicor has the legal obligation to offer its customers a budget payment plan that equalizes payments into monthly installments due to the fluctuation of a customer's consumption.

25. Nicor's budget payment plan provides that customers in "good credit standing" may participate in the budget plan. Customers are in good credit standing if their service is not disconnected. The "good credit standing" excludes low-income customers from participation in Nicor's budget payment plan.

26. Nicor states that the company will solicit customers to participate in its budget payment plan. Nicor does not provide an education or solicitation plan to demonstrate how it will solicit customers to participate in the budget payment plan.

27. Nicor's budget payment plan provides that it will estimate the aggregate amount of the customer's bill for gas service during a twelve month period to determine a monthly installment amount for the customer. Nicor budget payment plan does not provide for calculation of LIHEAP payments to levelize the installment payment of a LIHEAP recipient.

28. Nicor re-evaluates the budget plan monthly payment amount based upon the customer's past estimated bills. Nicor's budget payment plan does not allow for adjustments of the monthly payment amount based upon a customer's actual meter readings.

29. Nicor's budget plan provides for adjustments to the budget plan monthly amount at any time of the year. Nicor's budget plan does not provide clear limits on when and how many times adjustments can be made to a customer's budget billing amount.

30. Nicor's budget plan provides that customers will be removed from the budget plan if they miss two consecutive payments. Nicor's budget plan does not address partial or late payments by customers on the budget plan.

31. Nicor's budget plan allows for a customer to carry over year-end balances of less than \$77. Therefore, a customer who has a year-end balance of \$76 can rollover that amount into next year's budget payment plan. A customer with a year-end balance of \$78 cannot rollover this amount or even \$77 of this amount but must pay it full.

32. Nicor budget payment plan does place a limit on the extent to which arrears can increase a customer's budget bill.

33. Nicor's budget payment plan provides for an arbitrary interest on a customer's debit balances of a fee equal to the annual credit rate plus three percent.

34. Nicor's budget payment plan provides for an interest payment on a customer's credit balances of only an annual credit rate. This customer does not receive an additional three percent interest. Nicor provides no symmetry between credit balances and debit balances.

35. Nicor budget plan only spreads payments for 12 months. Nicor's budget plan does not allow customers to spread budget payments for current bills over more than 12 months.

36. By the provisions of the Nicor's budget plan and the statements of Nicor concerning its budget payment plan as set forth in Paragraphs 20 through 34 herein, Nicor has violated Section 8-101 of the Act and section 280.120 of the Code, in that Nicor's rules and regulations of its budget plan are not just and reasonable and Nicor does not provide its service without discrimination.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

- A. Finding that Nicor's budget payment plan is not just and reasonable;
- B. Finding that Nicor's budget payment plan provides for discriminatory service;
- C. Finding that Nicor has violated section 8-101 of the Act and section 280.120 of the Illinois Administrative Code;

- D. Requiring Nicor to cease its budget payment plan's eligibility requirement of good credit standing;
- E. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;
- F. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;
- G. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;
- H. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;
- I. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;
- J. Requiring Nicor to create a symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;
- K. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;
- L. Requiring Nicor to cease its arbitrary debit balance interest rate;
- M. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;
- N. Granting such other relief herein as will promote Nicor's budget plan to be just, reasonable and nondiscriminatory for the PEOPLE, or that justice and equity may otherwise require.

COUNT II

VIOLATION OF SECTION 8-201 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count II, as though fully alleged herein.

22-35. The PEOPLE reallege and reincorporate paragraphs 22 through 35 of Count I of this Complaint as paragraphs 22 through 35 of this Count II, as fully realleged herein.

36. By its conduct as set forth in Paragraphs 21 through 35 herein, Nicor violated Section 8-201 of the Act, in that Nicor fails to provide a budget plan that allows Nicor to deal with residential heating customers in good faith and fair manner.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

- A. Finding that Nicor's budget payment plan does not allow Nicor to deal with its customers in a good faith and fair manner;
- B. Finding that Nicor has violated section 8-201 of the Act and section 280.120 of the Illinois Administrative Code;
- C. Requiring Nicor to cease its budget payment plan's eligibility requirement of good credit standing;
- D. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;
- E. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;

F. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;

G. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;

H. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;

I. Requiring Nicor to create a symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;

J. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;

K. Requiring Nicor to cease its arbitrary debit balance interest rate;

L. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;

M. Granting such other relief herein as will allow Nicor to deal with the PEOPLE as residential heating customers in a good faith and fair manner, or that justice and equity may otherwise require.

COUNT III

VIOLATION OF SECTION 8-401 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count III, as though fully alleged herein.

22-35. The PEOPLE reallege and reincorporate paragraphs 22 through 35 of Count I of this Complaint as paragraphs 22 through 35 of this Count II, as fully realleged herein.

36. By its conduct as set forth in Paragraphs 21–35 herein, Nicor violated section 8-401 of the Act, in that it failed to fulfill its duty to provide services that constitute the least-cost means of meeting the utility's service obligations.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

A. Finding that Nicor's budget payment plan does not constitute the least-cost means of meeting its service obligations;

B. Finding that Nicor has violated section 8-401 of the Act and section 280.120 of the Illinois Administrative Code;

C. Requiring Nicor to cease its budget payment plan's eligibility requirement of good credit standing;

D. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;

E. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;

F. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;

G. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;

H. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;

I. Requiring Nicor to create symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;

J. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;

K. Requiring Nicor to cease its arbitrary debit balance interest rate;

L. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;

M. Granting such other relief herein as will allow Nicor to provide a budget plan that will constitute least-cost means of Nicor meeting its service obligations, or that justice and equity may otherwise require.

COUNT IV

VIOLATION OF SECTION 8-501 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count IV, as though fully alleged herein.

22-35. The PEOPLE reallege and reincorporate paragraphs 22 through 35 of Count I of this Complaint as paragraphs 22 through 35 of this Count IV, as fully realleged herein.

36. By its conduct as set forth in Paragraphs 21-35 herein, the Commission can find that Nicor's budget plan rules and regulations are unjust, unreasonable, insufficient and inadequate.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

- A. Finding that Nicor's budget payment plan is unjust, unreasonable, inadequate and insufficient;
- B. Finding Nicor has violated section 8-501 of the Act and section 280.120 of the Illinois Administrative Code;
- C. Finding that the Commission has authority under section 8-501 of the Act to determine the just, reasonable, adequate and sufficient rules and practices that should be employed by Nicor;
- D. Requiring Nicor to cease its budget payment plan's eligibility requirement of good credit standing;
- E. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;
- F. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;
- G. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;
- H. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;
- I. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;
- J. Requiring Nicor to create symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;
- K. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;

- L. Requiring Nicor to cease its arbitrary debit balance interest rate;
- M. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;
- N. Granting such other relief herein as will allow Nicor to provide a budget plan that just, reasonable, adequate and sufficient, or that justice and equity may otherwise require.

COUNT V

VIOLATION OF SECTION 9-241 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count V, as though fully alleged herein.

22-35. The PEOPLE reallege and reincorporate paragraphs 22 through 35 of Count I of this Complaint as paragraphs 21 through 35 of this Count V, as fully realleged herein.

36. By its conduct as set forth in Paragraphs 21 through 35 herein, Nicor violated Section 9-241 of the Act, in that it provided a budget payment plan that maintained unreasonable differences as to its services and charges for its budget plan; granted preferences or advantages to certain persons; and subjected certain persons, in particular, low income persons, to prejudices and disadvantages.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

- A. Finding that Nicor's budget payment plan maintains unreasonable differences as to its services and charges for its budget plan;
- B. Finding that Nicor's budget plan grants preferences or advantages to certain persons;

- C. Finding that Nicor's budget plan prejudices or disadvantages certain persons, in particular, low income people;
- D. Finding Nicor has violated section 9-241 of the Act and section 280.120 of the Illinois Administrative Code;
- E. Requiring Nicor to cease its budget payment plan requirement of eligibility based on good credit standing;
- F. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;
- G. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;
- H. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;
- I. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;
- J. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;
- K. Requiring Nicor to create symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;
- L. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;
- M. Requiring Nicor to cease its arbitrary debit balance interest rate;
- N. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;

O. Granting such other relief herein as will allow Nicor to provide a budget plan so that its services and charges will not grant any preference or advantage to any person or subject any person to a any prejudice or disadvantage, or that justice and equity may otherwise require.

COUNT VI

VIOLATION OF SECTION 9-250 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count VI, as though fully alleged herein.

22. The PEOPLE reallege and reincorporate paragraphs 22 through 35 of Count I of this Complaint as paragraphs 22 through 35 of this Count VI, as fully realleged herein.

36. By its conduct as set forth in Paragraphs 21-35 herein, the Commission can find that Nicor's budget plan charges and its rules and regulations affecting such charges are unjust, unreasonable, discriminatory, preferential, violates the Act and are insufficient.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

A. Finding that Nicor's budget payment plan is unjust, unreasonable, discriminatory, preferential, violates the Act and are insufficient;

B. Finding Nicor has violated section 9-250 of the Act and section 280.120 of the Illinois Administrative Code;

C. Finding that the Commission has authority under section 9-250 of the Act to determine the just, reasonable, adequate and sufficient charges, rules and regulations to be hereafter observed and in force;

D. Requiring Nicor to cease its budget payment plan's eligibility requirement of good credit standing;

E. Requiring Nicor to submit an education or solicitation plan to demonstrate to the Commission how it will solicit customers to participate in its budget payment plan;

F. Requiring Nicor to apply a LIHEAP payment to an annual bill and levelize the resulting bill into monthly installments;

G. Requiring Nicor to make budget payment adjustments of the monthly payment amount based upon a customer's actual meter readings;

H. Requiring Nicor to limit its adjustments of a customer's billing amount to twice a year;

I. Requiring Nicor to remove a customer from the budget payment plan only if the customer accrues a past due balance equal to two budget installments;

J. Requiring Nicor to create symmetry of treatment between account balances and credit balances that are rolled over into the next year's budget plan;

K. Requiring a limit to be placed on the extent to which an arrears payment can increase a Customer's budget payment plan bill;

L. Requiring Nicor to cease its arbitrary debit balance interest rate;

M. Requiring Nicor to extend its budget payment plan for periods longer than 12 months;

N. Granting such other relief herein as will allow Nicor to provide a budget plan so that its services and charges will be just, reasonable, nondiscriminatory, nonpreferential and sufficient, or that justice and equity may otherwise require;

COUNT VII

VIOLATION OF SECTION 9-252 OF THE ACT

1-21. The PEOPLE reallege and reincorporate paragraphs 1 through 21 of the Preliminary facts of this Complaint as paragraphs 1 through 21 of this Count VII, as though fully alleged herein. Nicor's budget plan provides for an arbitrary interest on a customer's debit balances of a fee equal to the annual credit rate plus three percent;

22-24. The PEOPLE reallage and reincorporate paragraphs 22 through 24 of Count I of this Complaint as paragraphs 22 through 24 of this Count VII, as though fully alleged herein.

25. Nicor's interest charge on debit balances is excessive and unjustly discriminatory.

26. The People are entitled to due reparation with interest, at the legal rate from the date of payment of such excessive and unjust discriminatory amount.

WHEREFORE, THE PEOPLE OF COOK COUNTY pray that this Commission find that Respondent has violated the Act and the Code as alleged herein, and enter an order:

A. Finding that Nicor's charges for debit balances under its budget plan is excessive and unjustly discriminatory;

B. Finding that Nicor has violated Section 9-252 of the Act and 280.120 of the Illinois Administrative Code;

C. Finding that the People is entitled to due reparation with interest, at the legal rate from the date of payment of such excessive and unjust discriminatory amount;

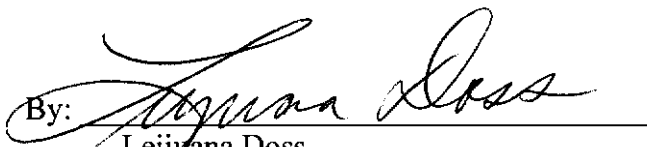
D. Finding that the Commission has authority under section 9-252 of the Act to order Nicor to make such reparation;

E. Requiring Nicor to make due reparation to the PEOPLE with interest at the legal rate from the date of payment of such excessive and unjust discriminatory amount;

F. Granting such other relief herein as will grant the PEOPLE relief from the excessive and unjustly discriminatory charges, or that justice and equity may otherwise require;

Respectfully Submitted,

RICHARD A. DEVINE
State's Attorney of Cook County

By: 
Leijuan Doss
Assistant State's Attorney

MARIE D. SPICUZZA
Assistant State's Attorney
Deputy Supervisor

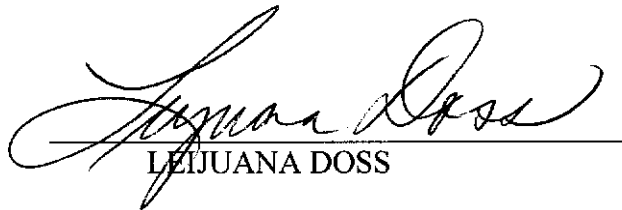
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STATE OF ILLINOIS)
)
COUNTY OF C O O K) SS.

VERIFICATION

NOW COMES LEIJUANA DOSS, who, after first being sworn, deposes and says:

1. That she is an Assistant State's Attorney in Cook County assigned to represent the Cook County State's Attorney's Office in connection with this Corrected Complaint against Northern Illinois Gas Company.
2. That the facts alleged therein are true and correct to the best of her knowledge and belief.


LEIJUANA DOSS

Subscribed and Sworn to
before me this 8th day of
May, 2001.


Notary Public



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

COOK COUNTY STATE'S
ATTORNEY'S OFFICE

Petition for an Investigation of Nicor's Budget
Billing Program

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Docket No. 01-0175

NOTICE OF FILING

TO: Attached Service List

PLEASE TAKE NOTICE that on this date, May 8, 2001, we have filed with the Chief Clerk of the Illinois Commerce Commission the enclosed Motion to File the Corrected Complaint of the Cook County State's Attorney's Office in the above-captioned docket.

RICHARD A. DEVINE
State's Attorney of Cook County

By: 

Lejuana Doss
Assistant State's Attorney
Environment and Energy Division
69 West Washington St., Suite 700
Chicago, Illinois 60602
(312) 603-8625

CERTIFICATE OF SERVICE

I, LEIJUANA DOSS, hereby certify that a copy of the enclosed Motion to File the Corrected Complaint of the Cook County State's Attorney's Office was served on all parties on the attached list on the 8th day of May 2001, by Fed-Ex, Fax, hand delivery or U.S. first class mail prepaid.


Lejuana Doss
Assistant State's Attorney

SERVICE LIST
ICC DOCKET NO. 01-0175

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